



Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20 -270
Regulation title	Emergency Regulations Relating to Campus Security Officers
Action title	Regulations Relating to Campus Security Officers (New)
Date this document prepared	June 6, 2011

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

The Board and the Department are required by §9.1-102(49) to establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula and certification requirements for campus security officers. Currently, there are no regulations in place regarding campus security officers. As a result the Department is unable to enforce training standards that are necessary for certification. The issue of safety and security on college campuses was addressed in the 2006 Crime Commission Study on Campus Safety. This study resulted in the statutory requirements under §9.1-102(49).

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

Clery Act: The *Clery Act* requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data are collected, reported and disseminated to the campus community and are also submitted to ED. The act is intended to provide students and their families, as

higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority is found in §9.1-102 (49) of the Code of Virginia that authorizes the Department, under the direction of the Criminal Justice Services Board to “establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and certification requirements for campus security officers.”

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

To promulgate the regulations for campus security officers. The regulations establish a certification process for campus security officers to include a background investigation to include a criminal history records inquiry, compulsory minimum training standards, administration of the regulatory system, administrative requirements and standards of conduct. The regulations also authorize the Department to approve instructors to deliver compulsory minimum training and establish administrative requirements and standards of conduct for the instructors. These regulations provide the department with the authority to approve training waivers and suspend or decertify an individual as a campus security officer and establish an appeal process for the individual.

A public hearing will be held during the promulgation process; participation from individuals will be strongly encouraged.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the “Detail of changes” section.)

Code of Virginia § 9.1-102 (49) directs the Department of Criminal Justice Services to establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for **campus security** officers. Such training standards shall include, but not be limited to, the role and responsibility of **campus security** officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The campus security officer regulations address the necessary definitions, initial certification and training requirements and exemption from such procedures, suspension of certification, training waivers for experienced officers, standards of conduct, and recertification and decertification procedures. Additionally, instructor approval, administrative requirements, and standards of conduct are addressed.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

Issues associated with the proposed regulatory action:

- 1) The primary advantage to the public will be a standard level of training for security officers working on college/university campuses. This will increase the professionalism and enhance the safety of the campus environment for students, faculty, staff, and visitors. The only perceived disadvantage is the increased cost associated with paying for officers to attend mandatory training. This unfunded mandate adds additional costs to the college/university budget.
- 2) The primary advantage to the Commonwealth is the enhanced safety of college/university campuses. The only disadvantage to the Commonwealth is the increased costs incurred in the administration and staffing of this training and certification program.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements exceeding federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities are uniquely affected by the proposed amendments to the regulation as they will apply statewide.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

The agency/board is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, record keeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to **Donna Michaelis, Department of Criminal Justice Services, 1100 Bank Street, Richmond, VA 23219, fax: 804-786-0410, donna.michaelis@dcjs.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public meeting will be held during the proposed stage of the regulatory action and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may also be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements create the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	Costs from general funds incurred in the administration and staffing of this training and certification program.
Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.	Cost associated with paying for officers to attend mandatory training.
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	College/University campus policing and security entities, as well as private security firms contracting officers to colleges/universities.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	~70 +/- institutions of higher education. ~ 50 +/- (small business) private security firms.
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	Cost associated with paying officer wages while attending mandatory training.

Beneficial impact the regulation is designed to produce.	A positive impact on the campus safety climate through added competency is anticipated.
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Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are no alternatives to the proposed regulatory action.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

§9.1-102 (49) of the Code of Virginia directs the Department of Criminal Justice Services to establish these minimum requirements as set forth in 6 VAC 20-270, therefore an alternative regulatory measure does not exist. Small businesses potentially affected by this regulation are private security firms contracting out personnel to colleges and universities.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Richard Hinkley Chief of Police Liberty University	<p>Definitions [“Campus Security Officer”] ...Campus Police (especially private) do not fit this definition. § 23-232, 232.1 and 233 are the laws that allow campus police departments and appointment of officers.</p> <p>To exempt Campus Law Enforcement all that needs to be added is “, and campus law enforcement officers appointed pursuant to § 23-233” after “§ 9.1-101” in “6VAC20-270-10”.</p>	Agree: reference to §23-233” should be included in definition.

<p>Ronald Cummings</p>	<p>I am curious as to the responsibilities of a Security guard who is able to carry a firearm in crowded places...What are the licensing requirements....especially interested in becoming licensed to protect NFL football players...</p>	<p>Armed security officers do not fall within the scope of this legislation; rather, they are under the purview of the regulated private security industry.</p>
<p>Dennis D. Johnson Asst. V.P. for Operations Union Theological Seminary</p>	<p>I would be grateful for a comment from DCJS as to whether private schools should plan to certify, or if this legislation pertains only to state schools.</p>	<p>The language of Code does not exclude private or public campus security officers from the requirements. Just as DCJS regulates campus police departments in public and private colleges and universities, it follows that the General Assembly intended 9.1-101 (49) to apply to private and public campus security officers. (Case law supports the proposition that the General Assembly intends what it says when it enacts laws, and a plain reading of the code is presumed correct.)</p>
<p>Larry Mullendore VCU and VCUHS Senior Emergency Preparedness Planner Virginia Commonwealth University</p>	<p>Does it have applicability to security in hospitals associated with colleges and universities?</p>	<p>In concurrence with federal law (Clery Act), a college/university campus is considered “Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”</p>
<p>Sam Kraft Training and Resource Facilitator Admiral Security Services</p>	<p>Admiral Security Services has several contracts with adult learning centers, notably Strayer, that do not have a traditional campus....located in office parks, high rise office building, and other ‘retail’ environments. The officers...are on site only part time when the location is being used....do these types of learning centers fall under the mandatory CSO training requirements?</p>	<p>See above.</p>
<p>David J. Carlson, Chief, Security Dept. Hollins University</p>	<p>Has a training wavier form been devised yet for experienced officers who wish to challenge the module tests in lieu of the training?</p>	<p>In accordance with 6 VAC 20-270-60, DCJS will provide a training waiver for experienced campus security officers with a minimum of 5 years experience who successfully complete the module tests.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and

one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Standardized training and employment criteria will enhance the service response delivered to students, faculty and staff on campus and further provide a safe and secure environment for all involved in the educational institution. Knowledge of criminal offenses and proper tracking and reporting in accordance with the Clery Act will help to ensure that parents/guardians have all necessary information to make an informed decision about the safety of a college campus.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
6 VAC 20-270-10		"Approved training" definition	Deleted word and definition, not needed
6 VAC 20-270-10		"Approved training session" definition	Deleted word and definition, not needed
6 VAC 20-270-10		"Board" definition	Deleted word and definition, not needed
6 VAC 20-270-10		"Campus Security Officer' means...in §9.1-101 are not included in this definition."	Revise to exclude law enforcement officers employed with higher education police departments from these campus security officer standards: "Campus Security Officer' means...in §9.1-101 and campus police officers appointed pursuant to §23-233 are not included in this definition."
6 VAC 20-270-10		Campus Security Contact Person	Replace "Campus Security Contact Person" with "Campus Security Point of Contact (POC)"
6 VAC 20-270-10		Campus Security Point of Contact definition.	Replace "....is the person designated by the college, university, or private security services business to serve as the point of contact between the department and the college, university or private security services business..."

			with "...is the person designated by the college, university, private security services business, or <i>private security services training school</i> to serve as the <i>contact person</i> between the department and the college, university, private security services business, or private security services training school....".
6 VAC 20-270-10		"Certification" definition	Replace "...minimum compulsory requirements" With "...compulsory minimum entry-level-training and certification standards"
6VAC20-270-10		None	Added definition for "compulsory minimum entry-level training and certification standards": "Compulsory minimum entry-level training" means the compulsory training modules, determined by the department, to comprise the necessary training required as a basis for initial certification.
6 VAC 20-270-10		"Entry-level training requirement" means the compulsory modules, determined by the department, to comprise the necessary training required as a basis for certification.	Deleted and replaced with definition throughout for "compulsory minimum entry-level training" as stated above.
6 VAC 20-270-10		"Faculty" definition	Deleted word and definition, not needed.
6 VAC 20-270-10		"In-service training requirement" means the compulsory in-service training standards adopted by the board for campus security officers.	Changed to "In-service training requirement" means the compulsory in-service training requirement adopted by the department for campus security officers
6 VAC 20-270-10		"Private security services business"...	Deleted last sentence of definition. "For the purpose of this chapter, private security services business is utilized for businesses that contract campus security services to a college or university."
6 VAC 20-270-10		Added definition	"Private security services training school" means any person certified by the department to provide instruction in private security subjects for the training of private security services business personnel in accordance with this chapter.

6 VAC 20-270-10		"Training certification" means verification of the successful completion of any compulsory minimum training requirements established by this chapter.	Deleted word and definition, not needed
6 VAC 20-270-10		"Training requirement" means any entry-level or in-service training or retraining standard established by this chapter.	Deleted word and definition, not needed
6 VAC 20-270-20. A.		"training standards"	Replace with "compulsory minimum entry-level training and certification standards".
6 VAC 20-270-30		"Initial certification and training requirements" (Title of section)	Changed to "Compulsory minimum entry-level training and certification standards."
6 VAC 20-270-30 A.		"minimum certification and training requirements"	Replace with "compulsory minimum entry-level training and certification standards."
6 VAC 20-270-30. A. 6		6. Successfully complete or hold valid certification of first aid training...."	Replace with " 6. Successfully complete first aid training as determined by the employing college or university. The level and substance of such training shall be at the discretion of the employing college or university."
6 VAC 20-270-30. A. 7.		"Introduction to Incident Command System"	Replace with "Introduction to Incident Command System for higher Education (IS-100. HE)
6 VAC 20-270-30. A. 8		Comply with compulsory minimum entry-level training requirements approved by the board.	Replace with " Comply with compulsory minimum entry-level training standards approved by the department."
6 VAC 20-270-30 A. 8.a.		compulsory minimum training standards	Replace with "compulsory minimum entry-level training standards"
6 VAC 20-270-30 A. 8. a.		"compulsory minimum training standards"	Replace with "compulsory minimum entry-level training standards"
6 VAC 20-270-30 A. 8. b.		"compulsory minimum training"	Replace with "compulsory minimum entry-level training"
6 VAC 20-270-30 A. 8. c.		"compulsory minimum training"	Replace with "compulsory minimum entry-level training"
6 VAC 20-270-30. A. 8.c.		"future session"	Replace with "future training"
6 VAC 20-270-30. B.		certification requirements	Replace with "certification standards"
6 VAC2 0-270-30. C.		"compulsory minimum training and certification standards"	Replace with "compulsory minimum entry-level training and certification standards"

6 VAC 20-270-40. A.		Contact person	Replace with "point of contact"
6VAC20-270-40. A. 1.		Contact person	Replace with "point of contact"
6VAC20-270-40. A. 1.		"compulsory minimum entry-level requirements"	Replace with "compulsory minimum entry-level training and certification standards."
6VAC20-270-40. A. 1. a.		"entry-level Campus Security Officer training"	Replace with "compulsory minimum entry-level training"
6 VAC 20-270-40.A. 1. c.		"First aid training consistent with the standard set by the employing college , university, or PSS business"	Replace with "First aid training consistent with the standard set by the employing college or university"
6 VAC 20-270-40. A. 1. d.		Introduction to Incident Command System	Replace with "Introduction to Incident Command System for Higher Education (IS-100. HE)
6 VAC 20-270-40. A. 2.		contact person	Replace with "point of contact"
6 VAC 20-270-40. B.		campus security person	Replace with "campus security point of contact"
6 VAC 20-270-50. C.		"entry-level campus security officer training"	Replace with "compulsory minimum entry-level training"
6 VAC 20-270-60. A.		"an entry-level training waiver"	Replace with "a compulsory minimum entry-level training waiver"
6 VAC 20-270-60. A.		contact person	Replace with "point of contact"
6 VAC 20-270-60. B.		"entry-level training"	Replace with "compulsory minimum entry-level training"
6 VAC 20-270-70		"PSS business under contract at a college"	Replace with "PSS business under contract to a college"
6 VAC 20-270-80. 2		contact person	Replace with "point of contact"
6 VAC 20-270-80. 3		contact person	Replace with "point of contact"
6 VAC 20-270-80. 4		contact person	Replace with "point of contact"
6 VAC 20-270-80. 5		contact person	Replace with "point of contact"
6 VAC 20-270-80.5		"to have violated the campus security officer statutes or regulations of that jurisdiction"	Replace with "to have violated the statutes or regulations of that jurisdiction."
6 VAC 20-270-90. C.		"comply with the initial certification requirements"	Replace with "comply with the compulsory minimum entry-level training and certification standards"
6 VAC 20-270-90. E. 1.		contact person	Replace with "point of contact"
6 VAC 20-270-100.		"compulsory minimum	Replace with "compulsory minimum entry-

A. 2.		training requirements”	level training and certification standards”
6 VAC 20-270-110. A.		“campus security officer training”	Replace with “the compulsory minimum entry-level trainingfor campus security officers”
6 VAC 20-270-110. B.1.		Submit an instructor application, signed by the designated contact person of the employing college, university, or PSS business on the form prescribed by the department.	Replace with “Submit an instructor application, signed by the designated campus security point of contact of the employing college, university, PSS business, or private security services training school on the form prescribed by the department;”
6 VAC 20-270-120. E.		“Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the campus security officer statutes or regulations of that jurisdiction.”	Replace with “Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the statutes or regulations of that jurisdiction.”
6 VAC 20-270-120. F.		“Conduct training sessions pursuant to the requirements in this chapter.”	Replace with “Conduct compulsory minimum entry-level training pursuant to the requirements in this chapter.”
6 VAC 20-270-130. A.		“training session”	Replace with “compulsory minimum entry-level trainings”
6 VAC 20-270-130. A.		“responsibility of the instructor of the training session”	Replace with “responsibility of the instructor”
6 VAC 20-270-130. B. 1.		“An approved instructor must submit, in a manner prescribed by the department, a notification to conduct a training session.”	Replace with: “ An approved instructor must submit, in a manner prescribed by the department, a notification to conduct a compulsory minimum entry-level training.”
6 VAC 20-270-130. B. 1.		“All notifications shall be received by the department, no less than 30 calendar days before the beginning of each training session, to include the date, time, instructors, and location of the training session.”	Replace with ; “All notifications shall be received by the department, no less than 30 calendar days before the beginning of each compulsory minimum entry-level training, to include the date, time, instructors, and location of the training.”
6 VAC 20-270-130. B. 2.		“This notice must be received by the department at least 24 hours in advance of the scheduled starting time of the session. In the event that a session must be cancelled on the scheduled date, the department must be notified as soon as	Replace with: “This notice must be received by the department at least 24 hours in advance of the scheduled starting time of the training. In the event that a training must be cancelled on the scheduled date, the department must be notified as soon as practical.”

		practical.”	
6 VAC 20-270-130. B. 3.		“entry-level training session”	Replace with “compulsory minimum entry-level training”
6 VAC 20-270-130. B. 5.		Instructors will conduct training sessions utilizing the curriculum developed or approved by the department including, at a minimum, any compulsory minimum training standards established pursuant to this chapter.	Replace with “Instructors will conduct trainings utilizing the curriculum developed or approved by the department including, at a minimum, any compulsory minimum entry-level training modules established pursuant to this chapter.
6 VAC 20-270-130. B. 5.		“compulsory minimum training standards”	Replace with “compulsory minimum entry-level training”
6 VAC 20-270-130. B. 6.		session	Delete word “session”
6 VAC 20-270-130. B. 7.		“Mandated training”	Replace with “Compulsory minimum entry-level trainings”
6 VAC 20-270-130. C. 1.		session	Delete word “session”.
6 VAC 20-270-130. C. 2.		“required training”	Replace with “compulsory minimum entry-level training”
6 VAC 20-270-130. C. 2.		session	Delete word “session”.
6 VAC 20-270-130. C. 3.		Each individual attending an approved session shall comply with the regulations promulgated by the board and any other rules applicable to the session. If the instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on tests, the instructor may expel the individual from the session. The instructor shall immediately report such an action to the designated campus security contact person for the employing college, university, or PSS business, and the department.	Replace with “Each individual attending an approved <i>training</i> shall comply with the regulations promulgated by the <i>department</i> and any other rules applicable to the <i>training</i> . If the instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on tests, the instructor may expel the individual from the <i>training</i> . The instructor shall immediately report such an action to the designated campus security <i>point of contact</i> for the employing college, university, or PSS business, and the department.
FORMS (6 VAC 20-270)		None	Added two necessary forms. Campus Security Officer Training Waiver for Experienced Officers

			Campus Security Officer Educational Requirement Waiver

For new chapters, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
N/A	N/A	N/A	N/A